

**LAPORTE COUNTY COMMISSIONERS**

**ORDINANCE NO. 2017-\_\_\_\_\_**

**ORDINANCE DESIGNATING LOAD LIMITS ON COUNTY HIGHWAYS**

**WHEREAS**, it has come to the attention of the Board of Commissioners that vehicles of excessive weight are using County roadways and causing excessive damage to County roadways;

**WHEREAS**, the damage to the roadways is an inconvenience to the traveling public;

**WHEREAS**, the Board of Commissioners recognize the need for exceptions in the case of farm implements and permit exceptions; provided, they follow a route minimizing the use of County roads;

**WHEREAS**, I.C. 36-1-3-2 grants the Board of County Commissioners all the powers that they need for the effective operation of government as to local affairs;

**WHEREAS**, I.C. 36-1-3-6 states that if there is no constitutional or statutory provision requiring a specific manner for exercising a power, the Board of County Commissioners may adopt an ordinance prescribing a specific manner for exercising a power; and

**WHEREAS** the Board of County Commissioners has deemed it necessary for the effective operation of government as to local affairs to create a special fund for the deposit of fines and revenues generated by the Weight Limit and Frost Law Ordinance(s) in LaPorte County, Indiana;

**NOW, THEREFORE**, be it ordained by the Board of Commissioners of LaPorte County that Section 7-30 of the LaPorte County Code, County Road Weight Limits, as amended by LaPorte County Ordinance Number 97-9, be and it hereby is, repealed and the following substituted in lieu thereof:

ōSection 7-30 County Road Weight Limits.

- a) The load-carrying capacities of various County roads are insufficient to accommodate excessive loads.
- b) Vehicular wheel loads that exceed the load-carrying capacity of road pavements and road foundations can produce serious destruction and damage to the road pavements and road foundations, causing inconvenience

to the traveling public and necessitating excessive and expensive road repairs and maintenance.

- c) The Board of Commissioners of LaPorte County desire to reduce the road damage and destruction, to reduce the inconvenience to the traveling public, and to conserve the repair and maintenance funds for the general improvement of the County highway system for the benefit of the traveling public.

**I.** Unless otherwise posted, or set forth in this Section 7-30, it shall be unlawful to operate, or cause to be operated, any vehicle having a total gross vehicle weight, with load in excess of the following:

a) **Axle Weight Violations:**

- i. The weight concentrated on the roadway surface from any tandem axle group may not exceed thirty-four thousand (34,000) pounds total weight.
- ii. The weight concentrated on the roadway surface from an individual axle (even within a tandem group) may not weigh more than twenty thousand (20,000) pounds.
- iii. A vehicle may not have a maximum wheel weight, unladen or with load, in excess of eight hundred (800) pounds per inch width of tire, measured between the flanges of the rim.

b) The County Highway Department, with the approval of the County Engineer and upon proper application, can issue a permit for use of specific County roads by an overweight vehicle for a specified period of time. The application fee shall be fifty dollars and 00/100 (\$50.00).

c) On roads passing over a bridge the gross vehicle weight limit shall be the same as the posted weight limit for the bridge between the intersections closest to the bridge on opposite sides. In no event shall the total gross vehicle weight exceed that set forth in Section 7-30 above.

d) The LaPorte County Highway Department is directed and ordered to post all of the roads listed in Subsection 7-30 with maximum gross weight signs as indicated.

e) After the roadway has been posted in accordance with Subsection 7-30 above, the penalties for the violation of this Section shall be as follows:

- i. **Overweight without Special Permit:** For a violation of a vehicle with overweight axle weights, without a special permit, court costs and a fine of one-hundred dollars (\$100.00) for zero to five-hundred (500) pounds overweight plus one-hundred dollars (\$100.00) for every five-hundred (500) pounds or portion thereof above five-hundred (500) pounds overweight. The fine per axle may not exceed five-thousand dollars (\$5,000.00).
- ii. **Overweight with Special Permit:** Any owner or operator of a vehicle which is operated on public rights-of-way in the unincorporated areas of LaPorte County, in violation of the axle weight limits imposed under a special permit granted by the supervisor of the LaPorte County highway department shall, upon a finding thereof, be subject to the payment of court costs and a fine pursuant to the schedule set forth in subsection (h)(i) of this section as if no special permit had been granted.

**II. Violations of Posted Maximum Weight Signs:** Violation of any posted sign regulating traffic weight limits of vehicles utilizing public rights-of-way in unincorporated areas of LaPorte County shall be an infraction and, upon conviction, shall be punishable as follows:

- a) For a violation of a posted vehicular weight limit, court costs and a fine as set forth in the following schedule:
  - i. Overweight without a special permit: Zero to four thousand (4,000) pounds overweight, three hundred dollars (\$300.00).
  - ii. Over four thousand (4,000) pounds overweight: Five hundred dollars (\$500.00) plus one hundred dollars (\$100.00) additional fine for each one thousand (1,000) pounds or portion thereof above four thousand (4,000) pounds overweight.
  - iii. Overweight With Special Permit. Any owner or operator of a vehicle which is operated on public rights-of-way in the unincorporated areas of LaPorte County, Indiana, in violation of the weight limits imposed under a special permit granted by the supervisor of the LaPorte County highway department shall, upon a finding thereof, be subject to the payment of costs and a fine pursuant to the schedule set forth in subsection (A)(1) and (2) of this section as if no special permit had been granted.

iv. Other Violations. Any other violation of the terms and conditions of a special permit granted by the supervisor of the LaPorte County highway department shall, upon a finding thereof, be subject to the payment of court costs and a fine of no less than three hundred dollars (\$300.00) and no more than five thousand dollars (\$5,000) (Changed from \$10,000,00).

b) Overweight permits are to be issued on forms acceptable to the Board of Commissioners.

### **III. Enforcement, disbursement of fines and exemptions shall be as follows:**

a) Enforcement of this chapter shall be by the LaPorte County Sheriff's Office.

b) It shall be the duty of the LaPorte County prosecuting attorney, to whom the LaPorte County Sheriff's Office shall report any violations of the provisions of this chapter, to cause proceedings to be commenced against the person violating the provisions of this chapter and to prosecute to final termination.

c) The revenues generated as a result of fines from enforcement of the weight limit ordinance be deposited into a special highway fund as set forth in Section III below.

d) Posted weight limit, axle weight limits, and frost law violations do not apply to vehicles or combination of vehicles that transport farm commodities from the place of production to the first point of delivery where the commodities are weighed and title to the commodities is transferred if the weight of the vehicle with load or combination of vehicles with load does not exceed the gross weight limit by more than ten percent (10%).

(a) For purposes of this section, "farm commodities" includes grain, logs, wood chips, bark, sawdust, and bulk milk.

(b) Exemptions do not apply to farm vehicles transporting non-farm commodities/equipment.

(c) Exemptions do not apply to posted bridge weight limits.

### **IV. LaPorte County Special Highway Fund**

a) The revenues generated as a result of fines from enforcement of the LaPorte County Weight Limit and Frost Law ordinance(s) be deposited into a

special highway fund, entitled the LaPorte County Highway Overweight Vehicle Fund which fines and revenues shall be utilized specifically for the benefit of traffic safety and to maintain and preserve the county roads in LaPorte County.

- b) The revenues generated and deposited in the LaPorte County Highway Overweight Vehicle Fund can be used only for the specific purpose set forth in this chapter, said expenditures to be split evenly between the LaPorte County Sheriff's Office and the LaPorte County Highway Department. The Sheriff and the LaPorte County Highway Department Supervisor may purchase equipment deemed appropriate for traffic safety, road improvement, and/or road maintenance.
- c) The revenues collected and deposited in the LaPorte County Highway Overweight Vehicle Fund shall be utilized exclusively for traffic safety as well as the improvement and maintaining of county highways and shall not be utilized for any other purposes, including the payment of salaries or fringe benefits for LaPorte County Highway Department or LaPorte County Sheriff's Office employees.
- d) The LaPorte County Highway Overweight Vehicle Fund herein created shall remain in existence and remain perpetual in its terms until amended or terminated by subsequent ordinance enacted by the Board of Commissioners; and
- e) If and when a subsequent ordinance is passed to terminate the life of the LaPorte County Highway Overweight Vehicle Fund the fund balance existing, if any at that time, and if not otherwise provided for by ordinance, should be transferred to the county general fund.

PASSED AND ADOPTED by the Board of Commissioners of the county of LaPorte, State of Indiana, on this \_\_\_\_\_ day of April, 2017.

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Richard Mrozinski, Commissioner

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Vidya Kora, Commissioner

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Michael Gonder, Commissioner